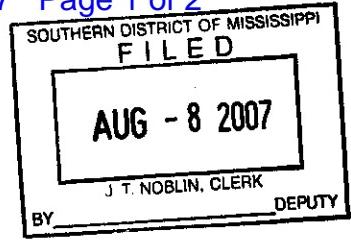


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**



DON PARKER

PLAINTIFF

VS.

CIVIL ACTION NO. 5:05cv209-DCB-JMR

**TYSON FOODS, INC.
AND RICHARD SHEWMAKER**

DEFENDANTS

NOTICE OF APPEAL

COMES NOW the Plaintiff, Don Parker, (hereinafter referred to as "Plaintiff Parker" or "Plaintiff") by and through counsel, and files this "Notice of Appeal" to the Fifth Circuit Court of Appeals of the decisions rendered by this Court as set forth in the "Memorandum Opinion and Order" of July 9, 2007 and the "Final Judgment" of July 9, 2007; and in regard to Plaintiff's appeal would show unto the Court the following, to wit:

BY THIS NOTICE, Plaintiff Parker, being aggrieved at the decision rendered in this cause of action, hereby appeals to the Fifth Circuit Court of Appeals the decision as set forth in the "Memorandum Opinion and Order" of July 9, 2007 in which this Court granted summary judgment to Defendants as to all federal claims of Plaintiff in this cause of action and as a result dismissed all federal claims of Plaintiff with prejudice.

Plaintiff Parker being further aggrieved hereby appeals to the Fifth Circuit Court of Appeals the decision rendered by this Court in this cause of action on July 9, 2007 as set forth in the "Memorandum Opinion and Order" in which this Court declined to exercise supplemental jurisdiction over Plaintiff's state law claims against the Defendants, and as a result thereof, dismissed without prejudice all of Plaintiff Parker's state law claims in this cause of action.

FURTHERMORE BY THIS NOTICE, Plaintiff Parker being further aggrieved hereby appeals to the Fifth Circuit Court of Appeals this Court's "Final Judgment" entered on July 9, 2007 that dismissed with prejudice all of Plaintiff Parker's federal claims in this action and dismissed without prejudice all of Plaintiff's state law claims in this action.

RESPECTFULLY SUBMITTED, this the 8th day of August, 2007.

DON PARKER, PLAINTIFF
BY: _____
JOHN M. MOONEY, JR.
ATTORNEY FOR PLAINTIFF

JOHN M. MOONEY, JR.
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Post Office Box 55767
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(601) 981-9555
MBIN: 3431

CERTIFICATE OF SERVICE

I, John M. Mooney, Jr., do hereby certify that I have this day electronically filed the foregoing document with the Clerk of Court using the ECF system which sent notification of such filings to the following:

Walter J. Brand, Esq.
Jimmy B. Wilkins, Esq.
Amy C. Felder, Esq.
WATKINS & EAGER PLLC
400 East Capitol Street, Suite 300 (39201)
Post Office Box 650
Jackson, Mississippi 39205

SO CERTIFIED, this the 8th day of August, 2007.

JOHN M. MOONEY, JR.